

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE THE APPLICATION OF)
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Lawrence G. Ponsi et al) Examiner : Shapiro, Jeffery A.
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SERIAL NO. 10/780,429) Group Art Unit No. 3653
)
FILED: February 17, 2004) Customer No. 23644
)
FOR: Product Storing and)
Dispensing System)

RESPONSE TO FINAL OFFICE ACTION DATED JANUARY 31, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This response is being filed in view of the Examiner's further and final Office Action of January 31, 2007. No claim amendments are being offered since, it is submitted, no claim amendments are required, as will be explained in greater detail.

In the Office Action, the Examiner has essentially repeated the rejections of the first Office Action and has additional responsive comments in numbered section 8 on page 9 of the Office Action. Reconsideration is again urged because it is believed that the claims, as cast, distinguish over either Dearing alone, or Dearing in combination with the teachings of Bastian. While it is believed improper to combine the two references, that issue need not be addressed given the clear distinguishing of the claims from the references.

Claim 1, the broadest independent claim of the present application, includes, in subparagraph c, the requirement that there be a sensor for each product compartment for sensing the presence of a product in the product compartment. Nothing of that nature actually exists in Dearing. In Dearing, it is not the presence of a product that is sensed, at all. Rather, it is whether or not a product has a bar code that can be read, and then, given information on the bar code, certain activities can take place. Thus, if a product is inserted in a compartment of Dearing without any

bar code, that product is not sensed and can sit there forever. In the present invention, however, there is a sensor for each product compartment, and that sensor is for sensing the presence of a product in the compartment. That, it is submitted, is clearly missing from Dearing.

Claim 1 also requires, in subparagraph e, that there be a separate aging indicator for each product compartment. In Dearing, there is no such aging indicator. As just explained above, Dearing requires that there be a bar code on the product which is read, and that the product is handled based upon the reading of the bar code. If there is no bar code, there is no separate aging of any kind, and therefore no separate aging indicator of any kind associated with the product compartment. What happens in Dearing, and as disclosed in Dearing, is if there is a bar code which is read, that information is used to determine the characteristics of the product, including possible aging. In the present invention, however, it is the presence of the product that commences the aging, and there is a separate aging indicator that is actually associated with each product compartment. In Dearing, if none of the products have bar codes, or if none of the products had any aging component, then none of the products would be aged in any manner. Conversely, if each of the products have bar codes, there is only one aging indicator, the central computer, and there is no separate aging indicator associated with each product compartment. Furthermore, the separate aging indicator of each compartment of the present invention has multiple product condition signals. Dearing, on the other hand, has a central computer which can issue certain information based upon the reading of the bar code on the product, but Dearing does not have a separate product aging indicator for each compartment having multiple product condition signals.

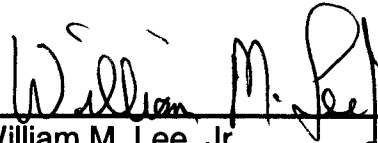
It is therefore submitted that claim 1 distinguishes from Dearing, and any combination with the teachings of Bastian does not change that. Similar comments apply to claim 11. The remaining claims depend from either claim 1 or 11, those claims are submitted to be allowable, as well.

If the Examiner intends to maintain the rejections of this application, a personal interview is requested. It would be appreciated if the Examiner would telephone the undersigned in that regard, so that an appropriate interview can be scheduled as soon as possible. It is anticipated that the undersigned and at least one of the inventors would participate telephonically in that interview.

The applicants look forward to hearing further from the Examiner regarding this application and note, again, that this an after final response.

March 20, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", written over a horizontal line.

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